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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,245

10/07/2005

Akihito Shirai

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8844

53067 7590 10/21/2008

STEPTOE & JOHNSON LLP  
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EXAMINER

PHAN, THIEM D

ART UNIT

PAPER NUMBER

3729

MAIL DATE

DELIVERY MODE

10/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,245	<b>Applicant(s)</b> SHIRAI, AKIHITO	
	<b>Examiner</b> THIEM PHAN	<b>Art Unit</b> 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3729

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group I (Claims 1 and 2) filed on 06/30/08 is acknowledged.

The traversal is on the grounds that any both Groups of claims, drawn to Product and Methods claims would form a single general inventive concept, and that the technical features of each of these Groups are interpreted by applicants to be the same, therefore no serious burden could be made.

This is not found persuasive because the examiner has established a *prima facie* case having shown in the Restriction (filed 6/11/08), that the inventions of Groups I and II are **not so linked** under Rule 13.1 to form a single general inventive concept. Moreover, the special technical features of these Groups I and II, defined under Rule 13.2 as those technical features that contribute to each of the inventions and considered as a whole, can't make directly over the prior art.

In accordance with MPEP Appendix AI, Section 206 and Annex B, under PCT Rule 13.1 and 13.2, the examiner has demonstrated that the inventions of Groups I and II are each independent or distinct as claimed (filed in 6/11/08)) and a serious burden would be placed on the examiner as discussed above.

Accordingly, Claims 3 and 4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim.

Art Unit: 3729

The Restriction filed on 6/11/08 is hereby **made Final**.

Applicant is required to cancel these nonelected claims (3 and 4) or take other appropriate action. An Office Action on the merits of Claims 1 and 2 now follows.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Helmut et al (JP 2000-350404).

**Regarding claim 1**, Helmut et al teach a spindle motor, comprising

- a motor base (Fig. 1, 21) having a cylindrical motor mounting part (32);
- a bearing (37) located within said cylindrical motor mounting part;
- a rotator unit (34), comprising a rotor yoke (2) attached to a shaft (35), said shaft rotationally supported by said bearing;
- a plurality of rotor magnets (3) attached to said rotor yoke; and
- a stator core (12) attached to a projected portion of the motor base, said projected portion comprising a plurality of winding parts (4), wherein

Art Unit: 3729

- the plurality of winding parts comprise tongues (13) extending in a radial direction towards or away from said cylindrical motor mounting part,
- the plurality of winding parts (9) are integral with said motor base, and
- the plurality of winding parts (9) are bent such that radially extending ends not connected to said motor base are opposite the rotor magnets (3).

**Regarding claim 2**, Helmut et al teach the motor base (21) and the plurality of winding parts (4).

#### ***Response to Arguments***

4. Applicant's arguments (filed on 3/21/08) with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, the applicant selects the Product Claims for this invention, therefore the processing step of forming such as the one in claim 2 has no weight in this claimed invention.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

Art Unit: 3729

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 571-272-4568. The examiner can normally be reached on M & Tu, 6AM - 2PM, and W & Th, 9AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phan Thiem/  
Primary Examiner, Art Unit 3729  
October 17, 2008